

**TOWN OF ROCKY HILL
ZONING BOARD OF APPEALS
MEETING OF APRIL 21, 2015**

1. CALL TO ORDER

Chairman Reilly called the Tuesday, January 20, 2015 meeting to order at 7:03 p.m. in the Town Council Room of the Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut.

Present: James Reilly, Chairman
Joe Coelho, Vice Chairman
Phil Benoit, Secretary
Greg Faulkner
Chris Incarvito

Absent: William Tangney
Jason Bates

Also: Frank Kelley, Zoning Enforcement Officer
Eileen A. Knapp, Recording Secretary

Chairman Reilly went over the procedures for the public hearings and noted that any decision of the Board can be appealed within 15 days of the decision. Secretary Benoit read the legal notice.

1. PUBLIC HEARING

A. Appeal 2015-2, SecureCare Options LLC c/o Jonathon M. Starble, Esq., appealing an order, requirement, or decision of a Zoning Enforcement Officer Under Section 8.7.3 of the Rocky Hill Zoning Regulations for Order dated May 29, 2013, for property located at 60 West Street in a R-20 Residential Zoning District, which Order is claimed, among other things, to have been void ab initio;

B. Appeal 2015-3, SecureCare Realty LLC c/o Jonathon M. Starble. Esq., appealing an order, requirement, or decision of a Zoning Enforcement Officer Under Section 8.7.3 of the Rocky Hill Zoning Regulations for Order dated May 29, 2013, for property located at 60 West Street in a R-20 Residential Zoning District, which Order is claimed, among other things, to have been void ab initio;

C. Appeal 2015-4, Beth Murphy, requesting a variance of Section 3.2.2 C and 6.7.1 A of the Rocky Hill Zoning Regulations to allow the convert the barn/office/storage

area above the detached garage to be an accessory apartment for property located at 660 Old Main Street in a R-20 Residential Zoning District; ID# 10-294;

Mrs. Beth Murphy of 660 Main Street addressed the Commission. She is asking to convert the storage and office area above their garage into an in-law apartment for her mother. They meet all the requirements for an accessory apartment except for the requirement that it be attached to the main residence. They have a hardship meeting this condition because of the topography on the site. To the left of the house is their driveway, on the right there isn't room and in the rear the property has a very steep slope. Mrs. Murphy also said their home is in a Historic District and it was built in 1745. They don't want to change the look and character of the home for this reason. Due to the age of the house, the foundation may not support an addition. They are not proposing any changes to the size of the existing office/storage area.

Commissioner Comments/Questions

Commissioner Benoit was concerned that if approved, in the future that in-law apartment could be rented out. He doesn't believe that a personal situation should be considered a hardship. Mrs. Murphy said the hardship is that they are not able to attach the apartment to the house due to the topography. She said they have not interest in renting the apartment out to anyone else.

Commissioner Bates asked if the electrical is currently tied to the house. **Mr. Jeff Coil, of 1 Pratt Street, who is the Contractor** for the Applicant said it is a sub-panel and it is tied to the house. They will be adding heating, plumbing and an elevator to the space.

There were concerns by the Commission that in the future this space could be rented out. Commissioner Faulkner noted that the owner has a right to add an accessory apartment on to the house if it is attached. The only difference here is they can't attach it to the house because of the topography.

Mr. Charlie Wisnioski of 670 Old Main Street addressed the Commission in support of this application. He is the former owner of the home and he agrees with the topographical limitations of the property. This house is an historic structure and it retains a high percentage of its historic elements, which he believes should be preserved. Mr. Wisnioski noted that the Planning and Zoning Commission is close to voting on a Town Center District, which would include properties across the street from the Murphy home. This would allow for 4-story structures, with intensive use and a 10' setback. He also noted that there are other properties in the immediate area that have in law apartments on the properties that are not attached to the main house. The neighbors in the area have no objections to the application. Mr. Wisnioski believes this use is compatible with the pending changes of the POCD, which calls for additional housing to meet the needs of the elderly in Rocky Hill.

Vice Chairman Coelho said they can't take in consideration the POCD because it hasn't been voted on yet. He asked if Mr. Wisnioski believes what the Applicant is proposing would be in harmony with the neighborhood. Mr. Wisnioski said he believes it would.

Mr. Donald Barrett of 559 Old Main Street addressed the Commission. He lives across the street from the property and said the garage is dilapidated. He feels the improvements to this structure will be a benefit to the neighborhood. He is afraid the garage will further deteriorate detracting from the historic nature of the neighborhood. And he believes the Murphy's historic home should remain untouched.

The Contractor, Mr. Coil said they considered building the in-law apartment attached to the home, but feels it would be almost impossible primarily because of the topography of the site. The garage is in bad shape but the exterior would remain. The interior would need to be rebuilt. Because of the steep pitch of the site they are putting in an elevator.

Commissioner Coelho asked if they could put the apartment inside the house. Mr. Coil said no because of the age of the house the rooms are too small. Also, the interior structure of the house is very warped. He noted that when they redid the garage, they would make it compatible with the house, so it looks more "original".

Commissioner Benoit read a letter from **Dwayne Solomino of 650 Old Main Street**, stating that he is in favor of the Application.

2. NEW BUSINESS

A. Appeal 2015-2, SecureCare Options LLC, 60 West Street, Rocky Hill, CT

B. Appeal 2015-3, SecureCare Realty LLC, 60 West Street, Rocky Hill, CT

The applicant requested that the above Appeals be postponed until the next ZBA meeting.

C. Appeal 2015-4, Beth Murphy, 660 Main Street, Rocky Hill, CT

A MOTION was made by Commissioner Faulkner to approve Appeal 2015-4, Beth Murphy, requesting a variance of Section 3.2.2 C and 6.7.1 A of the Rocky Hill Zoning Regulations to allow the convert the barn/office/storage area above the detached garage to be an accessory apartment for property located at 660 Old Main Street in a R-20 Residential Zoning District due to the stated hardship and testimony provided. Motion was seconded by Commissioner Incarvito. 4 were in favor (Reilly, Coelho, Incarvito, Faulkner) one opposed (Benoit), MOTION CARRIED.

Vice Chairman Coelho said he wished the Commission was notified sooner that the first two appeals were postponed.

3. OLD BUSINESS

4. ANY OTHER BUSINESS

A. Discussion of ZBA Checklist

Chairman Reilly said he made two changes to the checklist. Copies were distributed to all Commission members. Commissioner Incarvito suggested that copies of the checklist include a revision date at the bottom.

Vice Chairman Coelho asked about the status of the draft regulations for electronic signs. Chairman Reilly suggested adding that topic to the next month's Agenda.

B. Review of Zoning Regulations Section 3.4.8 temporary structures

The new Regulations are in effect and Mr. Kelley is going to begin enforcement of these new Regulations. Residents must now apply for permits for temporary structures. There are already quite a few structures in Town that have been erected without permits. Mr. Kelley said at the June meeting he would present the enforcement procedures going forward this new regulation.

Chairman Reilly distributed information from a class that he attended regarding a Connecticut Case involving the Zoning Board of Appeals for Commissioners to review.

5. APPROVE WORKING NOTES/ MINUTES – January 20, 2014

A MOTION was made by Vice Chairman Coelho to approve the minutes and Actions of the January 20, 2015 meeting as presented. Seconded by Commissioner Benoit. All were in favor, MOTION CARRIED UNANIMOUSLY.

6. ADJOURN

A MOTION was made by Commissioner Incarvito to adjourn the meeting at 8:07 p.m. Seconded by Commissioner Faulkner. All were in favor, MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary